IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

REVIEW PETITION ST.NO.11261 OF 2005

IN

FIRST APPEAL NO.1195 OF 1998

1] Jaywant Ganpat Chogle) Petitioners
2] Smt.Sunita J. Chogle)(Org.Respondent)

versus

Dhaneshchandra K. Shah) Respondent
)(Org.Appellant)

Mr.Jokim Reis with Mr.D.R.Shah for the petitioners.
Mr.P.S.Dani with Mr.Z.A.Jariwala i/by M/s.Thakore Jariwala & Associates for Respondent

CORAM : D.G.DESHPANDE &

DATED : 16th December 2005.

ORAL ORDER [IN CHAMBER]

1. Advocate for the petitioners at whose

instance the Review Petition is filed is present. The Petitioners are, therefore, the original respondents. So also the advocate for the original appellant is present. The original appellant has filed an undertaking duly affirmed before the Notary to the effect that "in case the Small Causes Court gives a finding that the otla is not a part of the demised/tenanted premises, I undertake that on such finding attaining finality, the decree passed by the City Civil Court in Suit No.9430/1977 shall revive and I shall be bound by it." This undertaking is signed by the original appellant. It is taken on record and accepted. The undertaking is marked as "X" for identification. In view of this undertaking the Review petition is admitted and allowed and my order dated 11th March 2005 allowing the appeal and dismissing the suit is set aside. Appeal is kept pending and to be heard after the Small Causes Court Suit bearing No.RAD No.2995/99 is decided. The Small Causes Court to expedite the hearing and decide the suit in any case before 30th March 2006. Parties to inform this Court after the Small Causes Court’s Suit is decided. Petitioners to get the Review Petition numbered

[D.G.DESHPANDE,J]